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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 ANDRE R. RHODES, Case No. 17-CV-05609-LHK (PR)
12 Petitioner,
13 v.
14

STATE OF CALIFORNIA
Respondent.

ORDER OF DISMISSAL

17 On September 28, 2017, petitioner, proceeding *pro se*, filed a petition for writ of habeas
18 corpus, pursuant to 28 U.S.C. § 2254. That same day, the Clerk sent petitioner a notice of
19 assignment to a magistrate judge and a blank consent or declination form for petitioner to return to
20 the court. On October 16, 2017, petitioner returned a declination to proceed before a magistrate
21 judge. On October 18, 2017, the Clerk sent petitioner a notice of impending reassignment to a
22 district court judge. On November 7, 2017, the notice was returned to the court as undeliverable.
23 Dkt. No. 8. To date, petitioner has had no further contact with the court.

24 Pursuant to Northern District Local Rule 3-11, the court may, without prejudice, dismiss
25 an action when: (1) mail directed to the *pro se* party by the court has been returned to the court as
26 not deliverable, and (2) the court fails to receive within sixty days of this return a written
27 communication from the *pro se* party indicating a current address. *See* Civil L.R. 3-11(b).

1 Here, more than sixty days have passed since November 7, 2017, when mail that the court
2 sent to petitioner was returned to the court with no forwarding address. The court has not received
3 a notice from petitioner of a new address. Accordingly, the instant petition is **DISMISSED**
4 without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk shall
5 terminate all pending deadlines and close the file.

6 **IT IS SO ORDERED.**

7 Dated: 1/24/2018

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Lucy H. Koh
LUCY H. KOH
United States District Judge